

HARD COPY

**UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION**



**ADMINISTRATIVE PROCEEDING
File No. 3-16037**

In the Matter of

**EDGAR R. PAGE and
PAGEONE FINANCIAL
INC.,**

Respondents.

**MOTION TO EXTEND THE DATE TO
END THE HEARING BECAUSE A
WITNESS IS UNAVAILABLE UNTIL
FEBRUARY 18, 2015 OR, IN THE
ALTERNATIVE, TO PERMIT THIS
WITNESS TO BE DEPOSED PRIOR
TO THE HEARING AND TO HAVE
THAT DEPOSITION INTRODUCED
AS EVIDENCE AT THE HEARING**

NOW COME Edgar R. Page and PageOne Financial, Inc., Respondents in the above-captioned proceeding, and move to extend the date to end the hearing in the proceeding because an important witness, Mr. John Peterson, will be unavailable to testify until February 18, 2015. In the alternative, Respondents move to conduct a deposition of this important witness prior to trial and to introduce the deposition, in lieu of live testimony, at trial.

WHEREFORE, Respondents respectfully ask the Court to grant the following relief:

1. Either:
 - a. Extend the date to end the hearing until February 18, 2015 to allow Mr. Peterson to testify at the hearing; or
 - b. Permit Mr. Peterson to be deposed prior to the February 2, 2015 hearing and allow the introduction of the deposition as evidence at the hearing; and
2. Grant such further relief as may be just and in the public interest.

Respectfully submitted,

Dated: December 22, 2014
New York, New York

By: Richard Marshall
Richard D. Marshall *JRM w/ permission*

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EDGAR R. PAGE AND PAGEONE
FINANCIAL, INC.

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-16037

In the Matter of

EDGAR R. PAGE and
PAGEONE FINANCIAL
INC.,

Respondents.

**BRIEF IN SUPPORT OF MOTION TO
EXTEND THE DATE TO END THE
HEARING BECAUSE A WITNESS IS
UNAVAILABLE UNTIL FEBRUARY
18, 2015 OR, IN THE ALTERNATIVE,
TO PERMIT THIS WITNESS TO BE
DEPOSED PRIOR TO THE HEARING
AND TO HAVE THAT DEPOSITION
INTRODUCED AS EVIDENCE AT
THE HEARING**

Edgar R. Page and PageOne Financial, Inc., Respondents in the above-captioned proceeding, move to extend the date to end the hearing in the proceeding because an important witness will be unavailable to testify until February 18, 2015. In the alternative, Respondents move to conduct a deposition of this important witness prior to trial and to introduce the deposition, in lieu of live testimony, at trial.

The witness is John Peterson, who was Senior Vice President at the United Group of Companies (“UGOC”) during the time Respondents are alleged to have misrepresented their relationship with UGOC. The Division has subpoenaed Mr. Peterson to testify at trial and the Respondents intend to subpoena him as well. Mr. Peterson, who is retired and is not a party to this proceeding, has advised the Division and the Respondents that he will be in the Virgin Islands from January 24 through February 17, 2015. Pursuant to Your Honor’s Order dated September 29, 2014, trial in this matter is scheduled to commence in New York City on February 2, 2015, and is expected to be concluded the following week.

Mr. Peterson is expected to be an important witness and his live trial testimony is sought by both the Division and the Respondents. If the conclusion of the trial were extended by only a few days until February 18, 2015, Mr. Peterson could provide live trial testimony.

Rule 161 of the Rules of Practice permit this Court to grant this extension. Rule 161(b) provides that:

[i]n considering all motions or requests pursuant to paragraph (a) or (b) of this section, the Commission or the hearing officer should adhere to a policy of strongly disfavoring such requests, except in circumstances where the requesting party makes a strong showing that the denial of the request or motion would substantially prejudice their case. In determining whether to grant any requests, the Commission or hearing officer shall consider, in addition to any other relevant factors:

- (i) The length of the proceeding to date;
- (ii) The number of postponements, adjournments or extensions already granted;
- (iii) The stage of the proceedings at the time of the request;
- (iv) The impact of the request on the hearing officer's ability to complete the proceeding in the time specified by the Commission; and
- (v) Any other such matters as justice may require.

The proposed Order would create a minimal delay in the completion of the trial, with the benefit of permitting the Court to hear the live testimony of a witness important to both the Division and the Respondents. The trial could be concluded, but for Mr. Peterson's testimony, within the original schedule set by this Court in September 2014. Mr. Peterson's live testimony could then occur for no more than a few hours during the following week, thereby completing the trial during that week. Mr. Peterson could provide testimony in Washington, D.C., so that Your Honor would not have to travel to New York City for an additional day.

The Respondents contacted Division Senior Trial Counsel Alex Janghorbani about this proposed schedule and he has authorized us to inform Your Honor that the Division does not object to this request.

In the alternative, the Respondents request that, pursuant to Rule 233 of the Rules of Practice, the parties be permitted to depose Mr. Peterson in the SEC's New York Regional Office prior to trial and that, pursuant to Rule 235 of the Rules of Practice, the parties be permitted to introduce Mr. Peterson's deposition at trial in lieu of his live testimony.

In ordering an oral deposition prior to trial, the Court must consider the following factors, set forth in Rule 233:

(a) Any party desiring to take the testimony of a witness by deposition shall make a written motion setting forth the reasons why such deposition should be taken including the specific reasons why the party believes the witness will be unable to attend or testify at the hearing; the name and address of the prospective witness; the matters concerning which the prospective witness is expected to be questioned; and the proposed time and place for the taking of the deposition.

(b) In the discretion of the Commission or the hearing officer, an order for a deposition may be issued upon a finding that the prospective witness will likely give testimony material to the proceeding; that it is likely the prospective witness, who is then within the United States, will be unable to attend or testify at the hearing because of age, sickness, infirmity, imprisonment, other disability, or absence from the United States, unless it appears that the absence of the witness was procured by the party requesting the deposition; and that the taking of a deposition will serve the interests of justice.

Here, Mr. Peterson would be unavailable at trial because he will be in the Virgin Islands between January 24 and February 17, 2015. His testimony is sought by both parties because he is the most senior officer employed by UGOC during the relevant period who is still alive to testify about UGOC's relationship with the Respondents and the sale of funds sponsored by UGOC to certain of Respondents' clients. The two most senior UGOC officers who were

involved with these matters, Walter Uccellini and James Quinn, died in an airplane crash in August 2012 and therefore are unavailable to testify. Mr. Peterson also submitted a letter to the SEC in 2011 about the Respondents' relationships with UGOC and testified about these matters in 2012 during the SEC investigation.

Rule 235 of the Rules of Practice permits this Court to accept Mr. Peterson's deposition, in lieu of live testimony, subject to the following conditions:

At a hearing, any person wishing to introduce a prior, sworn statement of a witness, not a party, otherwise admissible in the proceeding, may make a motion setting forth the reasons therefor. If only part of a statement is offered in evidence, the hearing officer may require that all relevant portions of the statement be introduced. If all of a statement is offered in evidence, the hearing officer may require that portions not relevant to the proceeding be excluded. A motion to introduce a prior sworn statement may be granted if:

- (1) The witness is dead;
- (2) The witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the prior sworn statement;
- (3) The witness is unable to attend or testify because of age, sickness, infirmity, imprisonment or other disability;
- (4) The party offering the prior sworn statement has been unable to procure the attendance of the witness by subpoena; or,
- (5) In the discretion of the Commission or the hearing officer, it would be desirable, in the interests of justice, to allow the prior sworn statement to be used. In making this determination, due regard shall be given to the presumption that witnesses will testify orally in an open hearing. If the parties have stipulated to accept a prior sworn statement in lieu of live testimony, consideration shall also be given to the convenience of the parties in avoiding unnecessary expense.

Here, Mr. Peterson will be unavailable to provide live trial testimony within the original schedule set by this Court on September 29, 2014. If this Court does not grant Respondents' motion to extend the date to conclude this trial until February 18, 2015, there will be no

opportunity for this Court to consider Mr. Peterson's testimony other than by introducing his deposition into evidence at trial.

The Respondents contacted Commission Senior Trial Counsel Alex Janghorbani about this proposed request as well and he has authorized us to inform Your Honor that the Division does not object to this request either.

WHEREFORE, Respondents respectfully ask the Court to grant the following relief:

1. Either:
 - a. Extend the date to end the hearing until February 18, 2015 to allow Mr. Peterson to testify at the hearing; or
 - b. Permit Mr. Peterson to be deposed prior to the February 2, 2015 hearing and allow the introduction of the deposition as evidence at the hearing; and
2. Grant such further relief as may be just and in the public interest.

Dated: December 22, 2014
New York, New York

Respectfully submitted,

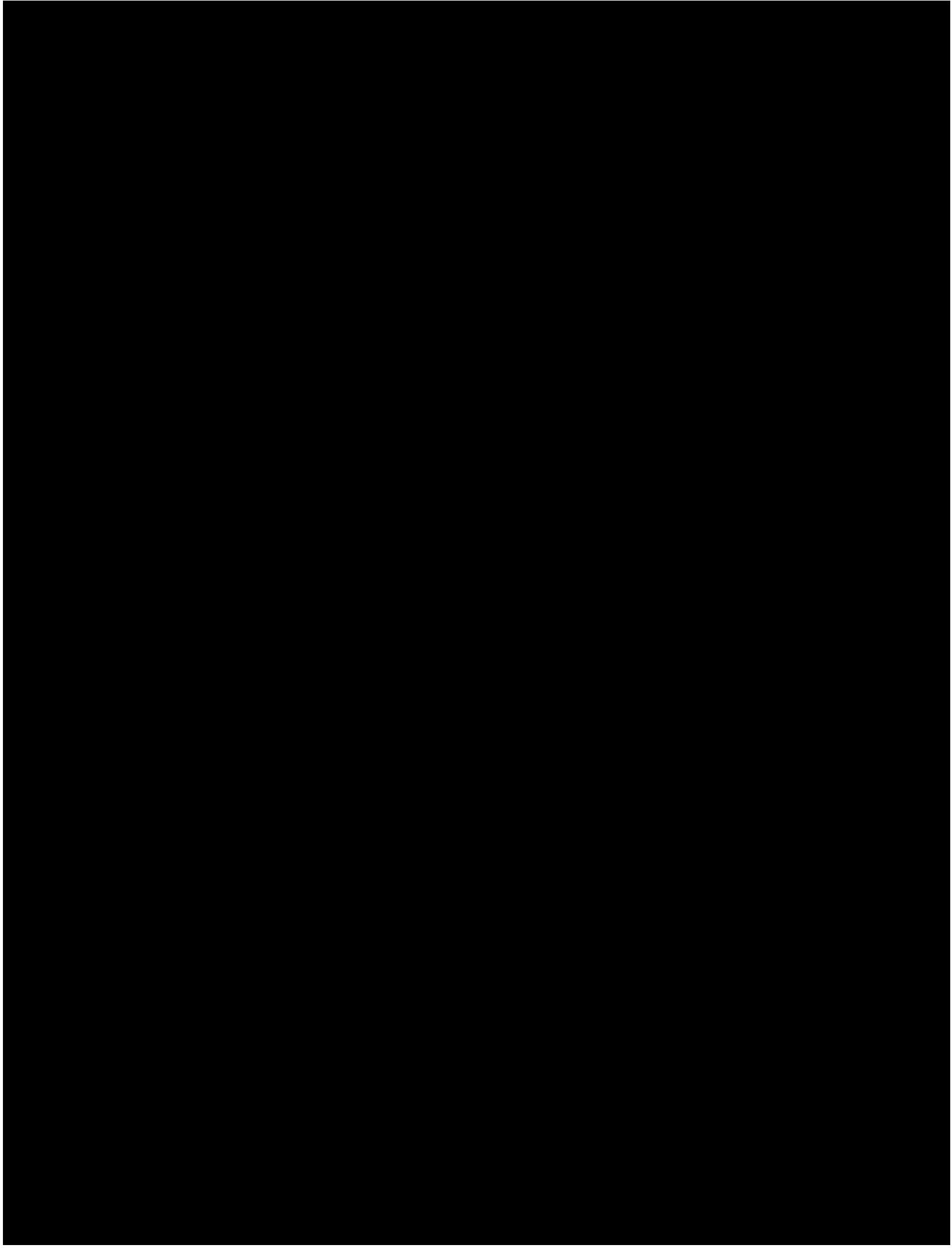
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ATTORNEYS FOR RESPONDENTS
EDGAR R. PAGE AND PAGEONE
FINANCIAL, INC.



I also certify that on this 22nd day of December, 2014, I caused a true and correct facsimile of the foregoing to be delivered to the Secretary, in order to ensure delivery before the expiration of the prescribed filing deadline.

Dated: December 22, 2014
New York, New York

Respectfully submitted,

By: Richard D. Marshall
Richard D. Marshall *JRM w/ permission*

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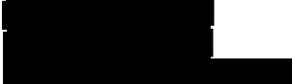


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December 22, 2014

Richard D. Marshall


BY FACSIMILE

The Honorable Brent J. Fields
Secretary of the Commission
Securities & Exchange Commission
Office of the Secretary
100 F Street N.E.
Washington, D.C. 20549-1090

Re: In the Matter of Edgar R. Page, et al., Admin. Proc. File No. 3-16037

Secretary Fields,

Please find enclosed a Motion and supporting Brief seeking accommodation to secure the testimony of Mr. John Peterson at the upcoming hearing, filed by Edgar R. Page and PageOne Financial, Inc. in the Matter of Edgar R. Page and PageOne Financial, Inc., Administrative Proceeding File No. 3-16037.

Respectfully submitted,

Richard Marshall

Richard D. Marshall

sent w/ permission

Enclosures